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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,329	12/01/2000	Fuminori Hiraishi	1185.1055/JDH	1030
21171	7590	12/13/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, DUNG T	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/726,329	Applicant(s) HIRAISHI, FUMINORI	
	Examiner Dung Nguyen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/05/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's amendment dated 10/05/2006 has been received and entered. By the amendment, claims 1-6 are remain pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-6 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-3 recite a limitation of "a light guide plate emitting light having a polarization" and "polarization of the light emitted from light guide plate" which was unable to one skilled in the art how it could be polarized light while such light not transmitted/emitted from any polarizing element. In other words, such claims fail to comply with the enablement requirement.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claims 1-3, it is confusing and unclear how light emitted from the light guide plate can be polarized without any polarizing element therefrom. Correction to the claimed language is suggested to clarify the claimed subject matter.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Gunjima et al., US Patent No. 5,587,816, as stated in the final office action.

The above claims are anticipated by Gunjima et al. figure 1 which discloses an LCD device comprising:

- . an LCD panel (12) having a polarization plate (9);
- . a light source (1);
- . a light guide plate (3);
- . a light control sheet (prism 7) having a material same as light guide (e.g., resin, col. 10, ln. 42) disposed next to the polarization plate, wherein the light control sheet rotates polarized light emitted from the light guide plate around a traveling direction of the light (light path) toward a direction of a direction of light transmission axis of the polarization plate (9) (see figure 1 and col. 12, lines 31-45).

It should be noted that the limitations of “made/formed through” “drawing process” “cutting-out process” recite a one-step process which does not further limit the structure of the claimed. Therefore, the process limitation does not have patentable weight. See MPEP § 2113.

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In addition, as best understood, light emitted from the light guide have to be transmitted through the polarizing plate (e.g., element 6) to polarize such light before enter the light control sheet (7).

Response to Arguments

7. Applicant's arguments filed 10/05/2006 have been fully considered but they are not persuasive.

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Applicant's argument are as follow:

- a. re rejections under 35 USC 112: claims have been amended to recite "a light guide plate emitting light having a polarization" and figures 5-7 fully supported the limitation of "a light guide plate emitting light having a polarization state".
- b. re rejections under 35 USC 102(b): Applicant confuses the function of "reflection" within prism array as described by Gunjima et al. and the "rotation" of the polarization of the emitted light in the claimed invention. Specifically, Gunjima et al. fails to disclose that the prism array 7 has any role in the polarization of the light emitted therefrom. As a result, there is no suggestion in Gunjima et al. that by transmission through the polarized light separator "a maximum-intensity-direction of polarization of the light emitted from said light guide plate is rotated around a traveling direction of the light toward a direction of a light transmissive axis of said polarization plate".

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The Examiner's responses are as follow:

a. The Examiner respectfully disagrees with Applicant's viewpoint. In particular, as discussed during the interview (December 07, 2006), as asserted by Applicant, figures 5-7 of the application described a test performed on light guide plate 4, in which light being transferred through the polarization plate (e.g. plate 26); such light is not emitted from the LCD device light source (e.g., lamp 6). It should be noted that a fluorescent lamp is known as unpolarized light. One of ordinary skill in the art would not be able to merely find how light from lamp 6 can be polarized without go through any polarization element.

b. As stated in the previous office action, in order to redirection light to the polarization plate 9, converts the light direction of the light having an angle of substantially 60° to the light directing having the direction perpendicular (90°) to the face of the LCD element (through the polarization 9) (col. 12, lines 41-45) i.e., the emitted light from the light guide plate 3 would be rotate around a light traveling direction (e.g., rotated from 60° to 90°) as claimed. In should also be note that the emitted light from the light guide is a polarized light (i.e. light with S and P components), the prism 7 would reflect one component and transmit the other one as described in column 12, line 37; then the polarized light component transmitted through the prism 7 would be traveled to the LCD panel and could be rotated as described in column 12, lines 41-45.

Accordingly, the limitation of the above claims met.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

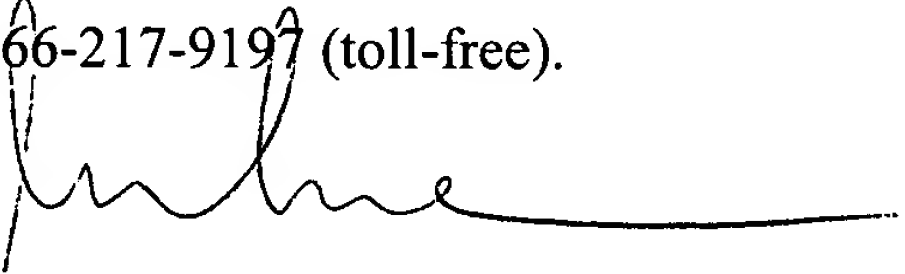
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN
12/11/2006



Dung Nguyen
Primary Examiner
Art Unit 2871